D. AAA Benefits Non-Members

Non-members routinely call AAA for emergency road service. People understand AAA is the leading emergency road service provider. And even though they are not members, they call AAA for road service. AAA does not refuse requests for assistance from non-members. AAA clubs refer them to the nearest emergency road service provider. Thus, no one is left without a way to locate emergency road service.[13] In addition, AAA's national policies regarding road improvements, traffic safety and travel services benefit non-members because the driving public shares the same concerns regardless of auto club affiliation. For example:

- Many AAA clubs have traffic reporting in the air and on the ground in cooperation with local radio stations. All vehicle operators have access to AAA's traffic information through their vehicle's radio. Traffic reporting is performed using the auto club radio frequencies. AAA clubs perform a public service through traffic reporting.[14]

- AAA's emergency road services benefit non-members by insuring that an adequate fleet of road service vehicles is available. When AAA service providers are not providing AAA members with emergency road service, they are serving other customers. AAA's high standards regarding the road service fleet ensure better quality of the nation's road service providers and an adequate number of vehicles to meet the need.[15]

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[13] AAA Club activities.

[14] California State Automobile Association in San Francisco and Las Vegas, Automobile Club of Southern California in Los Angeles and Dallas, Automobile Club of New York in New York City, AAA Mid-Atlantic in Philadelphia, etc.

[15] AAA National Office Automotive Services activity.

- AAA publishes an annual towing and lockout manual available to road service professionals. Every new vehicle below 3/4 ton is included with specific instructions regarding proper towing/transporting techniques and entry procedures. Before this publication was available, there were incidents of damage resulting from inappropriate towing points being used and damage to inside doors and steering columns from incorrect entry and locksmith attempts. AAA trains road service professionals how to perform these activities properly. The same professionals who learn these procedures and techniques service AAA members and non-member vehicles.

- AAA is actively involved with the Society of Automotive Engineers to achieve uniform towing points on vehicles and advances in the design and construction of road service equipment. The public benefits from AAA's involvement because the same equipment is used to service all vehicles. This reduces the cost to road service fleets by not having to purchase specialized equipment for different vehicles. These costs would be passed on to the consumer. Equally important is that uniform standards substantially reduce the amount of damage to vehicles resulting from towing equipment. This helps reduce insurance costs and litigation.[16]

II. THE *REFARMING ORDER* INCREASES THE POTENTIAL FOR HARMFUL INTERFERENCE ON THE AUTO EMERGENCY FREQUENCIES

In the *Refarming Order*, the Commission consolidated 20 existing Private Land Mobile Radio Services into two broad pools: a Public Safety Pool and an Industrial/Business Pool. The Public Safety Pool consists almost exclusively of

[16] AAA National Office Automotive Services activity.

government users and other safety-related users such as private ambulance services. Frequency coordinators in the Public Safety Pool retain their existing ability to control the assignment of licenses in their assigned frequencies (*e.g.*, APCO will continue to be the sole coordinator for frequencies in the Police Service).

By contrast, the Industrial/Business Pool consists largely of internal business users. Any frequency coordinator within the Industrial/Business Pool may assign any frequency within the pool (*e.g.*, PCIA may coordinate frequencies in the Taxicab Service, which previously was coordinated exclusively by the International Taxicab and Livery Association). The sole exception to this general policy is that frequency coordinators for three designated "safety" services (Railroads, Power and Petroleum) retain some specified measure of control over the assignment of licenses within their originally assigned frequencies.

Notwithstanding the substantial evidence in the record regarding AAA's history of public safety activities, the Commission placed the AERS frequencies in the Industrial/Business Pool without the protections afforded the three "safety" services within that pool. By doing so the Commission eliminated AAA's exclusive administrative assignment of those frequencies and enabled other frequency coordinators in the Industrial/Business Pool to assign licenses using those frequencies. Other frequency coordinators do not understand the business of operating an auto club or towing company, including emergency and safety functions that can arise any time. They also don't know that AAA dispatches a road service call every 4.5 seconds, which makes co-channel sharing inappropriate.

This lack of understanding of the road service business by some coordinators within the Industrial/Business Pool, combined with the lack of mandatory frequency coordination standards that reflect the specific needs of road service providers, increases substantially the likelihood of improper frequency assignments on the AERS frequencies. A "one size fits all" practice is inappropriate when assigning radio frequencies. Some business activities are substantially different than others and, therefore, require different rules and procedures. Allowing the AERS frequencies to be assigned by coordinators other than AAA increases substantially the potential for interference to incumbent AERS users.

To demonstrate this problem, one of the frequency coordinators in the Industrial/Business Pool recently assigned a high power paging system on a frequency a AAA club has used for years to dispatch emergency road service in Portland, Maine. The AAA club was unable to use the frequency, because the paging operation was only 8 miles away and caused complete interference to the AAA voice operations (pagers do not monitor the frequency on which they broadcast for other users). Because of the interference, the AAA club was without two-way radio service in Portland for 5 days, creating a breakdown in communications that resulted in long delays in road service vehicle response. The police department (for which the club tows) and many of the members requesting service were irritated by the inconvenience. Had this situation occurred in inclement weather or in a time of civil emergency, it would have created a greater threat to safety.

The paging operator was uncooperative. The AAA frequency coordinator had to contact the coordinator who recommended the assignment and insist that he terminate the

paging system's use of the frequency. The other coordinator was cooperative but was not immediately effective in resolving the situation with the paging licensee. The AAA club's attorney had to contact the paging system licensee to resolve the matter. The paging licensee terminated use of the frequency only after the attorney became involved and another frequency was assigned. It is unlikely that this incident would have occurred if AAA had remained the sole coordinator able to assign the AERS frequencies.

The Commission implicitly recognized the threat created by interference in the Industrial/Business Pool when it decided to provide the three quasi-public safety services (Railroads, Utilities and Petroleum) with a greater degree of control over frequency assignments. The Commission made a determination that delays in communications on these frequencies would not be tolerated, and therefore provided a greater role to the coordinators most familiar with the needs of the incumbent users. This is precisely what is necessary for the AERS frequencies which, as demonstrated above, are used millions of times a year in emergency situations.

The increased potential for interference caused by the new rules also jeopardizes the ability of emergency road service providers to implement new technologies. Currently road service providers are migrating away from voice operations to digital data because the AERS frequencies are suitable for data communications. When road service providers were practically the only entities using these frequencies, it was possible to coordinate the switch from voice to data without interference to others. One consequence of the *Refarming Order* may be to hinder this transition to the use of digital data. With frequency sharing, other coordinators may assign the AERS frequencies to voice systems in close

proximity to data systems. The resulting interference would cause the voice message to be incoherent and the digital data message could be disrupted.

A final concern arising out of the *Refarming Order* is trunking. In the Industrial/Business Pool, it is now possible to create trunk systems. Trunk systems are the ultimate sharing device because of their ability to accommodate multiple users. For a company involved in occasional radio communications, trunk systems present an effective and efficient alternative to a proprietary system. This is why trunk systems fit so well into commercial applications, where many small businesses make use of them. Their presence in private radio, however, will only perpetuate interference concerns for certain incumbent licensees. AAA's extensively used simplex systems would be rendered useless if a trunk system incorporating the AERS frequencies were put into use nearby. There would be two enormously active systems trying to operate using the same spectrum, resulting in total interference to each other.

III. SOLUTIONS

Based on AAA's demonstrated public service and the threat to those activities caused by the lack of adequate protection from interference, AAA recommends that the Commission provide additional protection to the AERS frequencies within the Industrial/Business pool. One approach the Commission might take would be to restrict eligibility for these frequencies to auto clubs and emergency road service providers. The impact of frequency recommendations by coordinators unfamiliar with the needs of road

service providers would be minimized if all the entities using the frequencies had a consistent set of needs.

An alternative approach, and one proposed by AAA in its pending Petition for Reconsideration of the *Refarming Order*, would be to return to AAA the exclusive ability to make frequency assignment recommendations for the AERS frequencies or, at a minimum, to block improper recommendations of other coordinators within the Industrial Pool. This approach is entirely consistent with the rationale used by the Commission to justify heightened protections for the Railroad, Power and Petroleum services within the Industrial/Business Pool. Like these services, AAA uses radio frequencies to respond to "emergencies that could impact hundreds or even thousands of people," and it does so on a daily basis. In emergency situations, any failure in AAA's "ability to communicate by radio could have severe consequences on public welfare," and AAA's operations "can take on an almost quasi-public safety function."

This solution is supported by the public safety community. AAA has placed on the record a number of letters from local public safety agencies supportive of increased protections for AAA and the AERS frequencies. Similarly, the Association of Public Safety Communications Officers stated in their reply comments to AAA's Petition for Reconsideration that "APCO agrees that those services (auto emergency and central station alarm) often have an important safety-related role, and would not object to either being treated in a manner similar to "public service" radio frequencies such as utility and railroad

services. Such a result would be consistent with the recent Public Safety Wireless Advisory Committee report."[17]

This solution also is consistent with the recently-passed Balanced Budget Act of 1997 (the "1997 Budget Act"). The 1997 Budget Act generally expands the Commission's authority to assign licenses through competitive bidding when there are mutually exclusive applications. However, Congress specifically exempted licenses issued "for public safety radio services, including private internal radio services used by State and local governments and non-government entities and including emergency road services provided by not-for-profit organizations." [18] Congress explained in the Conference Report that "[t]his service exemption also includes radio services used by not-for-profit organizations that offer emergency road services, such as the American Automobile Association (AAA). The Senate included this particular exemption in recognition of the valuable public safety service provided by emergency road services." [19] While the 1997 Budget Act does not require the Commission to take any particular action with regard to refarming, the Commission should give deference to Congress' recognition that AAA plays a vital safety role by providing AAA with treatment comparable to frequency coordinators for the Railroad, Power and Petroleum services, which also were identified by Congress as public safety radio services.

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[17] Comments of APCO in Response to Petitions For Reconsideration and Clarification, PR Docket 92-235.

[18] Budget Act, § 3002(a)(2)(A).

[19] H.R. Report 105-217 at 572. The Conference Report also identifies other public safety radio services, including the Railroad, Petroleum and Power services.

CONCLUSION

Emergency road service providers play a critical role in assisting motorists and public safety agencies with emergencies on the nation's roads. And today, more than 40 million people look to AAA to provide a safety net should they break down. AAA's services benefit the general public -- as well as AAA members. AAA helps public safety agencies in times of emergency by lending support with its radio communications network and fleet vehicles. Public safety agencies also look to AAA to relieve some of their burden by providing an easy solution to getting a tow truck to an accident scene or disabled vehicle.

None of this would be possible without the two-way radio communications infrastructure that AAA and other emergency road service entities have developed. AAA responds to almost 30 million road service requests annually. The Automobile Emergency Radio Service frequencies make efficient response times possible. Approximately 30 percent of these calls involve emergency situations where there is some risk of harm to the AAA member or public. Rapid response to these incidents requires uninterrupted communications between AAA dispatch, AAA vehicles and public safety officials.

The consolidation of the auto club and road service frequencies into the Industrial/Business Pool poses a grave threat to AAA's continued ability to provide the level of service expected by its members, the public and by public safety agencies. Under the rules established by the Commission, the ability of entities that do not understand the needs of emergency road service providers to make frequency assignments in the AERS

frequencies will result in increased interference, and increased delay in the ability of road service providers to respond to emergency situations. Congress has recognized in recent legislation that road service is a valuable safety service to the public, and the Commission should do the same by providing the AERS frequencies with an appropriate level of protection from harmful interference.

Attachment

Table of AERS Frequencies

Frequencies for the use of private emergency road service for disabled vehicles by associations of owners of private automobiles (auto clubs):

150.905, 150.920, 150.935, 150.9425,150.950, 150.9575, 150.965, 150.9725,

452.5125, 452.525, 452.53125, 452.53750, 452.54375, 452.550, 452.55625,

452.56250, 452.56875, 452.575, 452.58125, 452.58750, 452.59375, 452.600,

452.60625, 452.61250, 452.61875 MHz

Frequencies for the use of businesses providing to the general public an emergency road service for disabled vehicles (independent towing, recovery and locksmiths):

150.815, 150.830, 150.845, 150.8525, 150.860, 150.8675, 150.875,

150.8825, 150.890, 150.8975, 157.470, 157.4775, 157.485, 157.4925,

157.500, 157.5075, 157.515, 157.5225 MHz